

Sixth Appellate District

San Jose, California

MONDAY, JULY 12, 2004

H026878 PEOPLE v. IRBIN V.

The juvenile court's order is modified to reduce the minor's maximum period of confinement to six years and 10 months. As so modified, the order is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed July 12, 2004

H026422, H027058, H027141 In re BUSTER T., et al.; D.F.C.S. v. SYLVIA T., et al.

By the Court*:

Appellant Louie M.'s petition for rehearing is denied.

Filed: July 12, 2004

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H025516 PEOPLE v. NGUYEN

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed July 12, 2004

H025719 PEOPLE v. AMERICAN CONTRACTORS INDEMNITY COMPANY

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Walsh, J.)* (*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

Filed July 12, 2004

H026368 PEOPLE v. ESTRADA

The appeal is dismissed as taken from a nonappealable order. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed July 12, 2004

H026141 CITY OF SAN JOSE v. CIGARETTES CHEAPER, INC.

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 12, 2004

Sixth Appellate District

San Jose, California

Monday, July 12, 2004 (continued)

H026119 PEOPLE v. HURTADO

The judgment is reversed, and the matter is remanded for resentencing consistent with the views expressed herein. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed July 12, 2004

TUESDAY, JULY 13, 2004

H026153 DE ANZA SANTA CRUZ MOBILE ESTATES HOMEOWNERS ASSOCIATION v. DE ANZA SANTA CRUZ MOBILE ESTATES, et al.

The order awarding attorney's fees is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed July 13, 2004

H026724 PEOPLE v. HARRIS

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Walsh, J.)* (*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

Filed July 13, 2004

H026222 PEOPLE v. LEANNA W.

The order of the juvenile court is reversed. (published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed July 13, 2004

H026387 PEOPLE v. MONK

The judgment is reversed, and the matter is remanded to the trial court for a retrial of the allegation that defendant's Connecticut robbery conviction was a prior felony conviction for purposes of the Three Strikes law. If the prior strike allegation is found true, the trial court shall reinstate the judgment; if the allegation is not proved, the trial court shall conduct a new sentencing hearing, which may include consideration of the two Pennsylvania robbery convictions, and resentence defendant. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed July 13, 2004

Sixth Appellate District

San Jose, California

Tuesday, July 13, 2004 (continued)

H026266 PEOPLE v. ESPINOZA

The jury verdict finding defendant guilty of committing a lewd or lascivious act upon M., a child under the age of 14 (§ 288, subd. (a) [count 6]) stands. The jury verdicts finding defendant guilty of four counts of aggravated sexual assault (forcible sodomy) of C., a child under the age of 14 and 10 or more years younger than defendant (§§ 269, 286 [counts 1-4]) are vacated, as is the jury finding that defendant committed an offense specified in section 667.61, subdivision (c), against more than one victim. The judgment is reversed, and the matter is remanded for further proceedings, including resentencing, in accordance with the views expressed herein. (not published) (Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed July 13, 2004

WEDNESDAY, JULY 14, 2004

(no minute approved orders)

THURSDAY, JULY 15, 2004

H026100 FISCH v. LAYNE

The judgment is affirmed. (not published) (Premo, Acting P.J.; We concur: Elia, J., Walsh, Brian J.)* (*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

Filed July 15, 2004

H025997 PEOPLE v. JIMENEZ

The judgment is affirmed. (not published) (Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed July 15, 2004

H026739 PEOPLE v. IZQUIERDO

The judgment is affirmed. (not published) (Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed July 15, 2004

Sixth Appellate District

San Jose, California

Thursday, July 15, 2004 (continued)

H021985 PEOPLE v. DELEON

The judgment is reversed. (not published)
(Mihara, J.; I concur: Rushing, P.J.; Concurring and dissenting
opinion by Bamattre-Manoukian, J.)
Filed July 15, 2004

FRIDAY, JULY 16, 2004

H026247 ABDELAZIZ v. D'ARRIGO BROTHERS CO. OF CALIFORNIA

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed July 16, 2004

H025464 PEOPLE v. JASSO, et al.

The judgments of conviction are reversed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 16, 2004

H026585 PEOPLE v. ALBERTS

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 16, 2004

H027012 SILLER v. SUPERIOR COURT; PEOPLE

Let a peremptory writ of mandate issue directing
respondent court to vacate its order dated January 5, 2004
pertaining to Vanessa R.'s juvenile case file (J125892) and to
enter a new and different order permitting petitioner's attorney
to inspect the juvenile probation officer's report contained in
that file, subject to those protective orders, if any, respondent
court determines may be warranted.

The clerk of this court is directed to transmit to
respondent court forthwith, under seal, Vanessa R.'s juvenile
case file (J125892). The documents transmitted shall be
maintained under seal and shall not be released to the parties
except as specified herein.

This opinion is made final immediately as to this
court. (Cal. Rules of Court, rule 24(b)(3).) The temporary stay
order issued March 25, 2004 is vacated. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Walsh, J.)* (*Judge of
the Santa Clara Superior Court assigned by the Chief Justice
pursuant to article VI, section 6 of the California
Constitution.)
Filed July 16, 2004

Sixth Appellate District

San Jose, California

Friday, July 16, 2004 (continued)

H026219 TERMAAT v. SCHROPP

The order is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 16, 2004

H025892 PEOPLE v. HENNEFER

The judgment is modified by striking the \$200 attorney fees.
As so modified, the judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 16, 2004

H025691 PEOPLE v. HAYES

The judgment is modified by striking the three-year
enhancement under section 12022.7, subdivision (a). As so
modified, the judgment is affirmed. The trial court is directed
to prepare an amended abstract of judgment and forward a
certified copy of the amended abstract to the California
Department of Corrections. (partial publication)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 16, 2004

H025590 PEOPLE v. PINTO

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed July 16, 2004

H026185 NO HOME FOR DEPOT v. CITY OF WATSONVILLE, et al.; HOME
DEPOT USA.

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian,
J.)
Filed July 16, 2004

H026700 PEOPLE v. JOHN

By the Court:

Upon the court's own motion, the submission order in the
above-entitled matter dated July 8, 2004, is hereby vacated. The
cause will be resubmitted upon completion of oral argument or
waiver thereof.

Dated: July 16, 2004

Rushing, P.J.